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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,364	03/12/2004	Guido Schroeder	34874-089 UTIL	6371
64280	7590	06/18/2007		
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. 9255 TOWNE CENTER DRIVE SUITE 600 SAN DIEGO, CA 92121			EXAMINER VY, HUNG T	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/799,364	Applicant(s) SCHROEDER ET AL.	
	Examiner Hung T. Vy	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This is the response to the Application's amendment and RCE filed on 03/20/2007. In virtue of this amendment, claims 1-6 remain pending in this application. In reconsideration, the Applicant's arguments are not persuasive (see Response to Argument below).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-6 are rejected under 35 U. S. C. § 102 (a) as being anticipated by John Poole (John)(Model-Driven Data Warehousing, copyright @ 2003 by John Poole).

Regarding claim 1, John discloses a system for enabling a Meta Object Facility compliant service (see page 25 of 39) for a metadata resource, comprising: a connector adapted (see figure in page 15 and "the J2EE connector Architecture" (see page 13 of 39)) to receive metadata (i.e., "meta data communication via JMI programmatic API") (see page 28 of 39) from the metadata resource ("publishing source")(i.e., "CWM rendered in XML from OMG web site")(see page 14 of 39) via a resource-specific application programming interface (i.e., "JMI reflective API calls")(see figure in page 27 of 39) corresponding to the

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metadata resource ("publishing source")(i.e., "CWM rendered in XMI from OMG web site")(see page 14 of 39); a metamodel repository (i.e., "the model repository")(see page 14/39) storing one or more MOF models (i.e., "metamodel interoperability", "advanced functionality based on MOF/JMI Reflection")(see page 25/39) defining metadata (i.e., "load the meta model")(see page 14/39) from the metadata resource (i.e., "meta data server")(see page 14/39) accessible via the resource specific application programming interface (i.e., "JMI reflective API calls")(see figure in page 27 of 39); and a persistence interface (see figure in page 15, 27/39) between the connector (see figure in page 15 and "the J2EE connector Architecture" (see page 13 of 39)) and the metamodel repository (i.e., "the model repository")(see page 14/39), configured to instantiate via the resource-specific application programming interface (API calls) at least one MOF (i.e., "metamodel interoperability", "advanced functionality based on MOF/JMI Reflection")(see page 25/39) compliant service for the connector based on one of the MOF models (i.e., "metamodel interoperability", "advanced functionality based on MOF/JMI Reflection")(see page 25/39) in the metamodel repository (i.e., "the model repository")(see page 14/39), (see page 15, 27 and 30/39), the persistence interface registered at the metamodel repository to provide a call back interface during runtime (Examiner asserts that when executing the application, the metamodel repository have to provide a call back interface during runtime in order to get the result from data warehouse).

In regarding claim 2, John discloses the metadata (i.e., "meta data communication via JMI programmatic API") (see page 28 of 39) from the metadata resource is read on-

demand via the MOF compliant (i.e., "metamodel interoperability", "advanced functionality based on MOF/JMI Reflection")(see page 25/39).

In regarding claim 3, John discloses the MOF compliant service is a Java Metadata interface service (i.e., "metamodel interoperability", "advanced functionality based on MOF/JMI Reflection")(see page 25/39).

In regarding claim 4, John discloses the persistence interface is configured to provide instances of metadata objects and associations between metadata objects according to the MOF compliant service (i.e., "metamodel interoperability", "advanced functionality based on MOF/JMI Reflection")(see page 25/39).

In regarding claim 5, John discloses the metamodel repository includes a repository server (i.e., "generate the repository (i.e., create and launch a meta server)") (see page 14/39) configured to generate code for the MOF compliant serve configured to generate code for the MOF compliant service (i.e., "metamodel interoperability", "advanced functionality based on MOF/JMI Reflection")(see page 25/39).

In regarding claim 6, John discloses the MOF models are stored in one or more xmi files (i.e., "CWM rendered in XML from OMG web site")(see page 14/39).

Response to Arguments

4. Applicant's arguments filed on 03/20/2007 have been fully considered but they are not persuasive. Applicant made the following arguments:

- a. "In contrast to claim 1, John discloses model-driven warehousing including a data warehouse...For this additional reason, claim 1 is not anticipated by Joh, and the rejection under 35 U.S.C. 102 (a) of clam 1 and claims 2-6, at least by

reason of their dependency from independent claim1, should be withdrawn" page 4, 5.

Examiner remarks:

The applicant's argument is not persuasive because during the interview on 06/06/2007, Applicant's attorney, Pedro F. Suarez defined the persistent interface or point to its in the specification, Pedro F. Suarez indicates that the persistent interface illustratable of an API. Examiner cannot find in the specification an explicitly definition of a persistent Interface. John discloses API (page 26/39)(i.e., "connection and JMI reflective API calls"). Applicant has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that claim, once issued, will be interpreted more broadly than is justified. Applicant is invited to bring limitations into the claim from the specification to more clearly point out what the applicant feels is the invention to overcome the currently cited prior art (what is the different between the API (persistent interface as Applicant defined during the interview) and John's API.

- b. "claim 4 depends from claim 1 and recites that the "the persistence interface is ...should be withdrawn for this additional reason" page 6, first paragraph and second paragraph.

Examiner remarks:

The Applicant's argument b is not persuasive because John discloses the same structure as MOF/JMI and further API so John's system will provide the same function

as claimed invention as provide instances of metadata objects and association between the metadata objects according to the MOF compliant service and also a repository server configured to generate code for the MOF compliant service. If the Applicant feels the claimed invention is different with the limitation in John, the Applicant should define in the claimed language.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

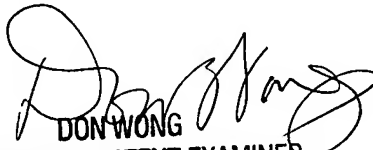
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy
Art Unit 2163

June 11, 2007


DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100